

After Firing Soldier in 2000, USPS Ordered to Rehire Him - and Pay Him \$2 Million

By Bill Briggs

A heavily decorated Army Green Beret, fired by the U.S. Postal Service in 2000 for taking military leave, must be reinstated in his mail job and retroactively paid by the USPS for back wages, benefits and legal fees — an amount that may top \$2 million, an administrative law judge has ruled.

Special Forces Sgt. Maj. Rick Erickson — who has earned three Combat Distinguished Valor awards, the Purple Heart, and more than 30 other military medals — said the termination forced him to re-enlist in the Army National Guard and eventually serve in Afghanistan in order to generate income to support his three daughters. While in Afghanistan, Erickson's unit was ambushed in 2004 and he was shot twice in the arm.

"It's a shame I had to fight 13 years for something the Postal Service could have corrected with a quick decision. But they didn't want to do the right thing," Erickson told NBC News Tuesday. For now, he remains on active duty.

"This has been torture to me, to my family and friends. I'm a single dad and I had to spend a lot of time away from my daughters. But this is not just about me. This is about every veteran that got fired from their job while serving their country," added Erickson, 49. "Fortunately, I got the chance to fight it, to bring it to the courts. Most veterans who are fired just run out of money, say forget it, and go to a Publix (grocery store to work) and just move on. I've seen it so many times."

USPS does not agree with the decision but is taking it under advisement, a spokesperson told NBC News on Tuesday. The U.S. Merit Systems Protection Board — which handles job disputes involving federal employees — handed down its order Dec. 14 that the USPS must re-employ Erickson no later than Jan. 18.

In addition to ordering the USPS to reimburse the soldier for nearly 13 years in back postal wages, the board also told USPS to immediately begin paying Erickson his postal salary — even if the USPS opts to appeal, a move that could extend the case another two years. Erickson said he doesn't recall his hourly wage rate in 2000.

"I'm an aggressive guy so I was trying to become a post master," Erickson said of his career aspirations when he worked for the USPS in Fort Myers, Fla. "Today, I still have three daughters to take care of. Two are 21 and in college, and one is 17.

"It's obvious the Postal Service did something wrong. But will they still spend the taxpayers' money and keep fighting this because they don't want to be proven wrong?" Erickson asked. "They need to ante up.

"I couldn't be hired by any other federal agency. I was red-flagged (within the federal employment system) just because the Postal Service fired me. So I had to re-enlist," he added. "I mean, how many civilian jobs are going to hire a Green Beret? What are they going

to say, 'Hey, Green Beret, go bag some groceries?'"

Erickson, who started serving in the U.S. Army National Guard in 1990, initially sought to overturn his postal termination in 2000. After he returned from Afghanistan, he ramped up his legal battle by filing an appeal in 2006 with the Merit Systems Protection Board. He claimed that by firing him, the USPS had violated his federal rights to serve in the military and hold another job, as stated in the Uniformed Services Employment and Reemployment Rights Act.

"In 2000, I was called to service. I was called up by the President of the United States to serve my country. The Postal Service fired me for using excessive military leave. Some employers just say: 'You're gone for six months? OK. Goodbye.'

"When you fight in combat, you can't hold a grudge on your shoulder. You have to do your job," Erickson said. "But I had to fight the enemy overseas and then I had to come back and fight the Post Office."

In the years following his 2006 federal bid to regain his postal job, he won two decisions before the United States Court of Appeals for the Federal Circuit. The USPS continued, however, to appeal his reinstatement, said Erickson's lawyer, Greg T. Rinckey. In 2011, a federal judge remanded Erickson's case — for the second time — back to the Merit Systems Protection Board in Atlanta.

"The USPS' illegal conduct in 2000 was bad, but fighting this year after year is even more concerning," said Rinckey, the managing partner of Tully Rinckey PLLC. He estimated that when the USPS receives the total bill for Erickson's back wages, benefits and legal bills, the tab will exceed \$2 million, making it "one of the largest awards in an employment case against the USPS and the federal government."

Rinckey said he expects the USPS to appeal.

"I never understand why an agency fights these types of actions when, in my opinion, it's pretty clear cut. Why did they continue to litigate this? We were willing to settle this in 2006 and it would have been fairly simply to settle. They just kept going, raising the legal fees on it, year after year."